IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 175 OF 2005

IN

FAMILY COURT APPEAL NO. 68 OF 2001

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

Mr.R.S. Datar for the Applicant.

Mr.S.S. Pawar for the Respondent.

CORAM : H.L. GOKHALE &
MRS. R.S. DALVI, JJ.

DATE : 28TH SEPTEMBER 2005

P.C. :

1. Heard Mr.Datar in support of this Application. Mr.Pawar appears for the Respondent.

2. Family Court Appeal No.68 of 2001 came to be dismissed for non-prosecution by an order by a Division Bench on 22nd July 2005. Explanation is given by Mr.Datar as to why he was not present on that date by pointing out that he was before this Bench on that very day attending another matter. A copy of the order

passed in that other matter in Civil Application No.1889 of 2005 is also enclosed.

3. We accept the explanation given by Mr.Datar. Mr.Pawar has very fairly left it to the court to pass appropriate order. Accordingly, the order passed by the Division Bench dismissing F.C.A. No.68 of 2001 for default is set aside. Civil Application is granted in terms of prayers (a) and (b). Appeal stands restored to the file.

(H.L. GOKHALE, J.)

(MRS. R.S. DALVI, J.)